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**To:** Commissioner for Patents **From:** Steven L. Nichols  
**Fax:** 571-273-8300 **Pages:** 13 (Including Coversheet)  
**Phone:** **Date:** May 29, 2008  
**Re:** Application No.: 09/353,583

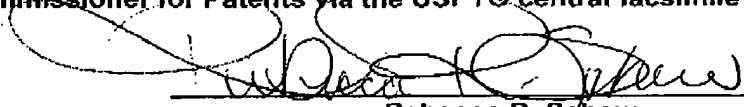
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Thank you.

**Transmitted, herewith, are the following documents:**

1. Fax Coversheet (1 page)
2. Transmittal Letter for Response/Amendment with Duplicate Copy (2 pages)
3. Amendment Following the Decision by the Board of Appeals (10 pages)

**I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents via the USPTO central facsimile number, (571) 273-8300.**

  
Rebecca R. Schow  
May 29, 2008

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[www.raderfishman.com](http://www.raderfishman.com)

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GEN-040

Serial No.: 09/353,583

MAY 29 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application: Samuel Reichgott et al.

Examiner: TRAN, Hai V.

Application No.: 09/353,583

Group Art Unit: 4126

Filed: July 15, 1999

Confirmation No.: 3801

Title: "Method and Apparatus for Preventing  
Disruptions in Set-Top Terminal  
Function Due to the Download of  
Updated Programming or Data to the  
Set-Top Terminal"

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Response/Amendment | <input type="checkbox"/> Petition to extend time to respond |
| <input type="checkbox"/> New fee as calculated below   | <input type="checkbox"/> Supplemental Declaration           |
| <input checked="" type="checkbox"/> No additional fee  | <input type="checkbox"/> Other: _____                       |

| CLAIMS AS AMENDED BY A LARGE ENTITY                  |                                     |                           |                                       |                            |            |                    |
|--|-------------------------------------|---------------------------|---------------------------------------|----------------------------|------------|--------------------|
| FOR  | CLAIMS REMAINING<br>AFTER AMENDMENT | NUMBER<br>EXTRA           | HIGHEST NUMBER<br>PREVIOUSLY PAID FOR | PRESENT<br>EXTRA           | RATE       | ADDITIONAL<br>FEES |
| TOTAL<br>CLAIMS                                      | 38                                  | MINUS                     | 46                                    | = 0                        | X \$50.00  | \$0.00             |
| INDEP.<br>CLAIMS                                     | 5                                   | MINUS                     | 7                                     | = 0                        | X \$210.00 | \$0.00             |
| [ ] FIRST PRESENTATION OF A MULTIPLE DEPENDANT CLAIM |                                     |                           |                                       |                            | + \$370.00 | \$0.00             |
| EXTENSION<br>FEE                                     | [ ] 1ST MONTH<br>\$120.00           | [ ] 2ND MONTH<br>\$460.00 | [ ] 3RD MONTH<br>\$1050.00            | [ ] 4TH MONTH<br>\$1640.00 |            | \$0.00             |
| OTHER FEES:  |                                     |                           |                                       |                            |            | \$0.00             |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT              |                                     |                           |                                       |                            |            | \$0.00             |

Please charge **\$0.00** to Deposit Account **18-0013/80113-0040**. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account **18-0013/80113-0040** pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account **18-0013/80113-0040** under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate of this sheet is enclosed.

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on **May 29, 2008**.  
Number of pages transmitted: **13**

Signature: 

Rebecca R. Schow

Respectfully submitted,

By: 

**Steven L. Nichols** (Reg. No.: 40,326)  
Attorney/Agent for Applicant(s)  
Telephone No.: (801) 572-8066  
Date: May 29, 2008

GEN-040

Serial No.: 09/353,583

# DUPLICATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application: Samuel Reichgott et al.

Examiner: TRAN, Hai V.

Application No.: 09/353,583

Group Art Unit: 4126

Filed: July 15, 1999

Confirmation No.: 3801

**RECEIVED**  
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MAY 29 2008

**Title:** "Method and Apparatus for Preventing Disruptions in Set-Top Terminal Function Due to the Download of Updated Programming or Data to the Set-Top Terminal"

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Response/Amendment<br><input type="checkbox"/> New fee as calculated below<br><input checked="" type="checkbox"/> No additional fee | <input type="checkbox"/> Petition to extend time to respond<br><input type="checkbox"/> Supplemental Declaration<br><input type="checkbox"/> Other: _____ |
|---|---|

| CLAIMS AS AMENDED BY A LARGE ENTITY                  |                                  |                        |                                    |                         |            |                 |
|--|----------------------------------|------------------------|------------------------------------|-------------------------|------------|-----------------|
| FOR  | CLAIMS REMAINING AFTER AMENDMENT | NUMBER EXTRA           | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA           | RATE       | ADDITIONAL FEES |
| TOTAL CLAIMS   | 38                               | MINUS                  | 46                                 | = 0                     | X \$50.00  | \$0.00          |
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| EXTENSION FEE  | [ ] 1ST MONTH \$120.00           | [ ] 2ND MONTH \$460.00 | [ ] 3RD MONTH \$1050.00            | [ ] 4TH MONTH \$1840.00 |            | \$0.00          |
| OTHER FEES:  |                                  |                        |                                    |                         |            | \$0.00          |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT              |                                  |                        |                                    |                         |            | \$0.00          |

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Signature: \_\_\_\_\_

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Respectfully submitted,

By: \_\_\_\_\_

**Steven L. Nichols** (Reg. No.: 40,326)  
Attorney/Agent for Applicant(s)  
Telephone No.: (801) 572-8066  
Date: May 29, 2008

GEN-040

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09/353,583

**MAY 29 2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

Samuel Reichgott et al.

Application No. 09/353,583

Filed: July 15, 1999

For: Method and Apparatus for Preventing  
Disruptions in Set-Top Terminal  
Function Due to the Download of  
Updated Programming or Data to the  
Set-Top Terminal

Group Art Unit: 4126

Examiner: TRAN, Hai V.

Confirmation No.: 3801

AMENDMENT

FOLLOWING DECISION BY BOARD OF APPEALS

Commissioner for Patents  
Mail Stop Amendment  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Decision of the Board of Patent Appeals and Interferences  
dated April 29, 2008, please consider the following.

A Listing of Claims begins on Page 2 of this response.

Remarks begin on Page 10 of this response.